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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

FILED

RICKY HAMILTON #R12533,
Plaintiff

v,

J.ALLEN, et al.

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)
) Case No. 08C1268
)
) Hon.CHARLES P. KOCORAS
) Judge presiding

APR 15 2008 *aw*
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MICHAEL W. BOBBINS
CLERK, U.S. DISTRICT COURT

RESPONSE

The Plaintiff enters this response due to this Court's order for the plaintiff to show cause why the Plaintiff's pro se action pursuant to 42 USC 1983 should not be dismissed due to more than 2 years have elapsed since claims against the defendants arose.

It is the Plaintiffs position that his claim should not be dismissed because the seeming untimeliness is not due to the culpable negligence of his own but instead due to the Illinois Department of Corrections, who has of yet to respond to the Plaintiff's initial 5/29/05 grievance or the Plaintiffs subsequent grievance concerning they're failure to address the original grievance.

According to Illinois law it states an inmate should not proceed with a lawsuit until the grievance procedure is resolved. Therefore it is after the IDOC's failure to render the grievance process available to the Plaintiff that he brings forth this suit. There is no time frame which the IDOC has to answer a grievance and at the same time the Plaintiff has no authority to make the IDOC act in a more timely fashion.

The Plaintiff introduces the attached document, herein exhibit "H", being a letter from the John Howard Association

of Illinois in response to his search for legal counsel in this matter, and in this letter Program Coordinator James Sayles is aware and also informs the Plaintiff that he should not file his lawsuit until the Administrative Review Board responds to his grievance. Yet in this case the IDOC (ARB) has refused to respond to his grievance and it is the Plaintiff's opinion as it is also noted the Stateville Correctional Center has attempted to keep these civil injustices which the Plaintiff raises, from being brought out.

The Plaintiff asks this Court to note the case of Jeffry Latham v. Joseph Burke et al., who also filed suit in this case and suffered alleged adverse treatment by the IDOC in his pursuance of this issue. The Plaintiff also asks this Court to note that the case against essentially the same defendants and concerning the same incident raised by Jeffry Latham was also recently filed and was accepted.

Therefore the Plaintiff asks this Court to not dismiss his claim as untimely due to all of the information included in this response and alternatively the Plaintiff asks that if this Court does not feel the Plaintiff has appropriately showed cause why his action should not be dismissed that this Court allow him additional time and possibly counsel to effectively show cause why his action should not be dismissed, for the Plaintiff has not had the appropriate time to prepare a response due to the delay in receiving the Court's Order and the Plaintiff has been denied access to the institutions law library for research and access to a law clerk for assistance, this lack of access being due to recent cancellations of law library and the current

lockdown. So the Plaintiff respectively asks this Court to take all of the above information into consideration and justly rule in his favor. Thank You

Respectively Submitted, *Ricky Hamilton*

4/8/08

Ricky Hamilton #R12533
Hill C.C.
P.O.Box-1700
Galesburg, Il. 61402



John Howard Association of Illinois

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December 28, 2006

Mr. Ricky Hamilton, R12533
Hill Correctional Center
P.O. Box 1700
Galesburg, IL 61401

Dear Mr. Hamilton:

We received your letter dated 11/14/06 enclosing copies of your Grievance dated 5/29/05 filed at Stateville and your Grievance dated 9/20/06 filed at Galesburg.

You should file your Grievance with the ARB. Do not file your lawsuit, however, until the ARB responds to your Grievance.

Sincerely,

James Sayles
James Sayles

Program Coordinator

AFFIDAVIT OF AFFIRMATION UNDER PENALTY OF PERJURY

I, RICKY HAMILTON, affiant, do hereby declare and affirm under penalty of perjury as defined in 735 ILCS 5/1-109 that everything contained herein is true and accurate to the best of my knowledge and belief. I further declare and affirm that the contents of the foregoing documents are known to me and are accurate to the best of my knowledge and belief. Finally, I do declare and affirm that the matter at hand is not taken either frivolously or maliciously and that I believe the foregoing matter is taken in good faith.

Signed on this 8th day of APRIL, 2008.

Ricky Hamilton Affiant